

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMES PETTUS,

Plaintiff,

DECISION AND ORDER

04-CV-6203L

v.

M.D. LESTER WRIGHT, et al.,

Defendants.

The Court referred all pretrial discovery matters to United States Magistrate Judge Marian W. Payson pursuant to 28 U.S.C. § 636(b).

Plaintiff, James Pettus (“Pettus”), has filed two complaints alleging that physicians at the Elmira Correctional Facility acted with deliberate indifference to his needs. Pettus then moved to file an amended complaint alleging violations to his constitutional rights at the Southport Correctional Facility. These claims do not relate to deliberate indifference to medical needs and do not relate to any activity at the Elmira Correctional Facility.


Magistrate Judge Payson issued a thorough Report and Recommendation (Dkt. #69) recommending that Pettus’s motion for leave to file an amended complaint be denied. Pettus filed a two-page handwritten document which I treat as an objection to Magistrate Judge Payson’s Report and Recommendation.

I have reviewed the pleadings in the case now pending (04-CV-6203), as well as Pettus's proposed amended complaint. I have also reviewed Magistrate Judge Payson's thorough Report and Recommendation. I agree with Magistrate Judge Payson's determination that plaintiff's motion to file an amended complaint should be denied. I accept the Report and Recommendation, and I agree with its findings and conclusions.

CONCLUSION

I accept and adopt the Report and Recommendation of United States Magistrate Judge Marian W. Payson. Plaintiff's motion for leave to file an amended complaint (Dkt. #46) is in all respects denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
January 11, 2007.